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HUMAN RIGHTS COMMITTEE
Fifty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Comments of the Human Rights Committee

Slovenia

1. The Committee considered the initial report of Slovenia (CCPR/C/74/Add.1) at its 1343rd and 1347th meetings, held on 20 and 22 July 1994, and adopted[1] the following comments:

A. Introduction

2. The Committee welcomes the initial report (CCPR/C/74/Add.1) and the core document (HRI/Core/1/Add.35) of Slovenia and expresses its deep appreciation to the State party for the constructive dialogue engaged through a high ranking delegation. The Committee regrets that the report did not provide sufficient information on the implementation of the Covenant in practice and that it was not drawn up in accordance with the Committee's guidelines for the preparation of State party reports (CCPR/C/20/Rev.1). The Committee notes, however, that the comprehensive additional information provided by the delegation in its introductory statement and in the replies given to questions raised in the course of the discussion enabled the Committee to obtain a clearer picture of the human rights situation in the country and make appropriate recommendations.

B. Factors and difficulties affecting the implementation of the Covenant

[1] At the 1355th meeting, held on 28 July 1994.

GE.94-18223

3. The Committee recognizes that Slovenia was created after the breakdown of the former Yugoslavia and declared its independence only in 1991. The Committee further recognizes that the remnants of the authoritarian rule has not yet been overcome and that several steps remain to be undertaken in consolidating and developing democratic institutions and strengthening the implementation of the covenant. Recognized obstacles stemming out of the continuing armed conflict close to Slovenia borders and the consequent influx of refugees as well as the intensity of the ethnic and religious conflicts in former Yugoslavia must be addressed in a manner compatible with respect for the Covenant.

C. Positive aspects

4. The Committee welcomes the fact that transition toward democracy and pluralism has started in Slovenia.

5. The Committee notes with appreciation the efforts undertaken to incorporate human rights in the Constitution and to harmonize the national laws with the Constitution, even though this process has not been completed.

6. The Committee notes with appreciation the attitude of Slovenia regarding its succession to the obligations of former Yugoslavia under the Covenant, in declaring that it succeeded as from the date of its independence. In this context, the Committee has also noted the statement of the delegation that victims of violations of human rights committed by the former régime are entitled to remedy by the new State. The Committee welcomes the fact that Slovenia also became party to a number of international human rights instruments, including the First and Second Optional Protocols to the Covenant.

7. The Committee also welcomes the abolition of the death penalty and the creation of the Office of the Ombudsman with authority to make recommendations to safeguard the observance of human rights.

D. Principal subjects of concern

8. The Committee is concerned that, while the Covenant may be given precedence over legislative acts, its status vis-à-vis the Constitution is not clearly defined. There appears to be little publicity given to the provisions of the Covenant and the Optional Protocols and the Covenant has yet not been invoked before the courts. The process of harmonization of national laws with the Constitution has not yet been completed and does not take into direct account provisions of the Covenant.

9. The Committee expresses its concern about remaining areas of discrimination against women, particularly regarding the extent of their participation in the conduct of public affairs, and the lack of information about violence against women.

10. The Committee notes with concern that the length of pre-trial detention, which may extend up to six months under certain circumstances, does not comply with the requirements of articles 9 and 14 of the Covenant.

11. The Committee is concerned by the provision in the Code of Criminal Procedure under which in specific cases accused juvenile persons are not separated from adults, which may raise issues under article 10 of the Covenant.

12. The Committee notes that the State party singles out Italians and Hungarians for special protection as minorities, including the right to political representation. Gypsies are also granted certain special protection as a minority. While this protection is welcome, all minorities are entitled to protection of their rights under article 27. Immigrant communities constituting minorities under the meaning of article 27 are entitled to the benefit of that article.

13. The Committee is concerned about the provisions of article 5 of the Constitution relating to the protection of only ethnic Slovene emigrants and migrant workers which, implicitly, tend to establish a privileged treatment in the Constitution for such Slovenes over other Slovene citizens living abroad.

E. Suggestions and recommendations

14. The Committee recommends that the legislative reforms presently under way in Slovenia be expanded and intensified in order to ensure that all relevant legislation be in conformity not only with the requirements of the Constitution but also with the Covenant.

15. The Committee emphasises that the text of the Covenant and the Optional Protocols should be translated into all languages spoken in Slovenia and widely publicized so that the general public be made fully aware of the rights enshrined in the provisions of these instruments.

16. With respect to the rights of women, the Committee believes that affirmative measures should be taken to strengthen their participation in the conduct of public affairs and in the economic and social life of the country as well as positive measures to ensure effective protection against violence of all kinds.

17. The Committee calls upon the State party to ensure that the maximum period of pre-trial detention be significantly shortened in order to comply with the requirements of articles 9 and 14 of the Covenant.

18. With reference to freedom of conscience and religion, including the issue of religious education, the Committee recommends the State party to take into account the Committee's general comment No.22(48) on article 18 of the Covenant.

19. The Committee calls upon the State party to take appropriate measures to ensure to all persons belonging to minorities the full and equal enjoyment of their rights under article 27 of the Covenant. It must also ensure that all persons, including members of minorities, are entitles to receive the guarantees laid down in articles 25 and 26 of the Covenant. In this connection, the State party should take into account the recommendations contained in the Committee's general comment No.23(50) on article 27 of the Covenant.

20. The Committee urges the Government to prepare its second periodic report in compliance with the Committee's guidelines for the preparation of State party reports (CCPR/C/20/Rev.1). The report should in particular include detailed information on the extent to which each right protected under the Covenant is enjoyed in practice, and refer to specific factors and difficulties that might impede its application.